

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Scott Franklin Miles,)	
)	
Plaintiff,)	
)	Civil Action No. 6:11-2740-RMG
vs.)	
)	
Michael J. Astrue, Commissioner)	
of Social Security Administration,)	
)	ORDER
Defendant.)	
)	
)	
_____)	

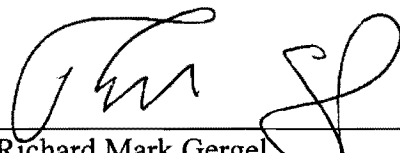
This matter is before the Court upon the recommendation of Magistrate Judge Kevin F. McDonald's that the decision of the Defendant denying Social Security benefits to Plaintiff be affirmed. (Dkt. No. 13). This matter was initially referred to the Magistrate Judge for pre-trial handling pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C. The Magistrate Judge issued a Report and Recommendation ("R & R") on October 4, 2012. Neither party has filed timely objections to the Magistrate Judge's R & R.

Where a Magistrate Judge has submitted to a District Court a R & R, any party may file written objections within 14 days of the issuance of the R & R. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A District Court must "make a *de novo* determination of those portions of the report . . . or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). Where no timely filed objection has been made, the District Court is obligated to review the R & R to confirm that "there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Accident Insurance Co.*, 416 F.3d 310, 315 (4th

Cir. 2005).

The Court has reviewed the record in this matter, the decision of the Administrative Law Judge (which became the decision of the Commissioner after denial of review by the Appeals Council), the R & R of the Magistrate Judge and the applicable law. The Court finds that the Magistrate Judge has ably and thoroughly addressed the factual and legal issues in this appeal. Consequently, the Court hereby **ADOPTS** the Report and Recommendation of the Magistrate Judge as the order of the Court and **AFFIRMS** the decision of the Commissioner.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

October 31, 2012
Charleston, South Carolina